

MINUTES

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

Tuesday, August 1, 2003

Division Two

A098348 -- The People v. Jeremy Coleman.

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Lambden, J.
(Not for Publication.)

A097703 -- Harry W. Low, as Insurance Commissioner, etc. v. Golden Eagle Insurance Company, Leonard Armato et al.

The Court: It is ordered that the opinion filed on July 2, 2003, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is ordered published in the official reports. Kline, P.J. (Certified for Publication.)

A102758 -- In re L.W. and T.W., Persons Coming Under the Juvenile Court Law. Latonya W. v. Superior Court of Alameda County; Alameda County Social Services, R.P.I.

Substantial evidence supports the court's findings in this case and the court did not abuse its discretion in concluding that the children needed a long-term plan. The petition is denied. Our decision is final as to this court immediately. (Cal. Rules of Court, rule 24 (b)(3).) Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

Wednesday, August 4, 2003

Division One

A100201 -- Michael Wycliffe et al. v. Big 4 Rents, Inc. et al.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

Division Two

A095862 -- The People v. Stanley Bennett Hines, Jr.

We modify the sentence imposed to reflect that the sentence for counts three and four are to run concurrent with count one, but consecutive to each other and to the gun enhancement. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and forward it to the Department of Corrections. In all other respects, the judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A100001 -- The People v. Victor Fern Trevino.

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Four

A093007 -- Michael Edelstein, et al. v. Patricia Fado, as Director of Elections, ETC.

The judgment of the superior court is affirmed. Costs to respondent. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

Tuesday, August 5, 2003

Division One

A098469 -- The People v. Robert Marlan Mackey.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

Division Two

A100914 -- Jasmine Benjamin-Sohal v. County of Alameda.

The order denying appellant's petition for a writ of mandate is affirmed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Division Four

A096552 -- Leland Evans et al. v. F. Richard Losey et al.

The Court: Order Modifying Opinion. It is ordered that the opinion filed herein on July 15, 2003, be modified as follows: (See order.) Kay, P.J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, August 5, 2003

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kay, P.J., Sepulveda, J. and Rivera, J.; Channing Hoo, Deputy Clerk; Guardsmark Officer Michael Aurigui, Bailiff.

A101368 People
 v.
 Donald Ray Titus
Cause called. Steven Lubliner argued for appellant Titus. Certified Law Student Thomas Jamgochian, under the supervision of Deputy Attorney General Lisa Ashley Ott, argued for respondent. Cause submitted.

At this point the Court reconstituted itself for the next cause. The Court for the next cause consists of Kay, P.J., Reardon, J. and Sepulveda, J.

A098506 People
 v.
 Christopher Kazas
Cause called. Candace Hale argued for appellant Kazas. Lisa Ashley Ott argued for respondent. Cause submitted.

A100509 United Farmers Agents Association
 v.
 Farmers Insurance Exchange et al.
Cause called. William P. Tedards, Jr. argued for appellant United. Royal Oakes argued for respondents. Cause submitted.

At this point, the Court recessed for 5 minutes. Then the Court reconstituted itself for the next cause. The Court for the next cause consists of Reardon, Acting P.J., Sepulveda, J., and Rivera, J.

A100200 Lewis W. Boies, Jr.
 v.
 Keyport Life Insurance Co.
Cause called. Paul Lenz argued for appellant Boies. Russell Stedman argued for respondent. Cause submitted.

A099064 Rhonda Gilkey et al.
v.
John E. Hill et al.
Cause called. John Schuck argued for appellants Gilkey et al. William J. Casey argued for respondent Hill. Linda Moin argued for respondents Kanter et al. Cause submitted.

A101305 Lamont Turner
v.
Pacific Property Company
Cause called. Eugene Oreck argued for appellant Turner. Raymond Coates argued for respondent. Cause submitted.

The Court recessed at 11:20 a.m.

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, August 5, 2003

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Kay, P.J., Reardon, J., and Rivera, J.; Channing Hoo, Deputy Clerk; CHP Officer Arnold Stamps, Bailiff.

A098522 People

v.

Bobby Nath

Cause called. Laureen Bethards teleargued for appellant Nath. John Deist argued for respondent. Cause submitted.

At this point the Court reconstituted itself for the next cause. The Court for the next cause consists of Reardon, Acting P.J., Sepulveda, J., and Rivera, J.

A098571 People

v.

Yinpres Ignacio Vega

Cause called. Barry M. Karl argued for appellant Vega. George F. Hindall III argued for respondent. Cause submitted.

The Court adjourned at 2:11 p.m.

Tuesday, August 5, 2003 (continued)

Division Five

A100808 -- The People v. Benita R. Smith.

The judgment is affirmed. Jones, P.J. We Concur: Simons, J., Gemello, J.
(Not for Publication.)

Wednesday, August 6, 2003

Division One

A100993 -- Tsegai Haile v. Adrienne M. Moran et al.

The judgment is affirmed. Defendants are awarded their appellate costs.
Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Wednesday, August 6, 2003

The Court convened at 9:00 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Stein, J., Margulies, J., and F. Abad, Deputy Clerk.

A100300 In re Hyacinth F.
 Social Services Agency,
 v.
 Raymond F.
Cause called and argued by Carole Greeley, counsel for appellant, and Janice Amenta, counsel for respondent. Cause ordered submitted.

A097784 American Financial Services Association,
A100258 v.
 City of Oakland.
Cause called and argued by Jan Chilton, counsel for appellant, and Steven Williams, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Justice Margulies left the bench and Justice Swager joined the bench.

A100076 H. Lee Evans,
 v.
 Murphy, Pearson, Bradley & Feeney, et al.
Cause called and argued by Elizabeth Williams, counsel for appellant, and Elisa Nadeau, counsel for respondents. Cause ordered submitted.

Court recessed until 1:30 p.m.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION ONE

Wednesday, August 6, 2003

The Court reconvened at 1:30 p.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco. Present: Marchiano, P.J., Swager, J., and Margulies, J.; and B. Robbins, Deputy Clerk.

A100587 Jill Suzanne Goodenough,
 v.
 Steve Gourley, Director of Dept. of Motor Vehicles.
Cause called and argued by Peter Goodman, counsel for appellant, and Shari B. Posner, counsel for respondent. Cause ordered submitted.

At this point in the proceedings, Presiding Justice Marchiano left the bench and Justice Stein joined the bench. Justice Stein presided over the remainder of the afternoon calendar.

A100401 Christine Folger, et al.,
 v.
 Frances M. Hillier.
Cause called and argued by Michael G. Desmarais, counsel for appellant, and Wayne V.R. Smith, counsel for respondents. Cause ordered submitted.

A098614 Ham Hang Choi,
A100667 v.
 Sik Kin Chan.
Cause called and argued by Michael S. Yu, counsel for appellant/respondent Choi, and Glen L. Moss, counsel for respondent/appellant Chan. Cause ordered submitted.

Court adjourned.

No cases will be argued on August 7, 2003.

Wednesday, August 6, 2003 (continued)

Division Five

A100953 -- The People v. Bernardo Anguiano.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J.
(Not for Publication.)

A099913 -- Bettina N. Hayes v. J. Allen Hayes.

The judgment is affirmed. Defendant shall recover his cost incurred for this appeal. Simons, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

A100156 -- Kevin A. Richardson v. The Learning Company.

The judgment is affirmed. Costs for this appeal are awarded to TLC. Simons, J. We Concur: Stevens, Acting P.J., Gemello, J. (Not for Publication.)

Thursday, August 7, 2003

Division One

A098319 -- The People v. Michael Smith Jacobs.

The trial court is directed to amend the minute order of December 11, 2001 and the abstract of judgment to reflect that the robbery and attempted robbery convictions are of the second degree. In addition, the trial court is directed to correct the abstract of judgment and minute order to reflect defendant's sentence of 131 years 8 months to life in prison and to reflect total presentence custody credit of 937 days. The trial court is further directed to forward a copy of the amended abstract of judgment to the Department of Corrections. The judgment, as so modified, is affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

A099055 -- The People v. Kurt M. Klien.

The judgment is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

A099802 -- The People v. Heliodoro Fuentes Ruiz.

We affirm the judgment. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

A099994 -- The People v. Kenneth Jean Wash et al.

The judgments and sentences in Wash and Carneigie's cases are affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

Division Four

A098506 -- The People v. Christopher Peter Kazas.

Judgment affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

Thursday, August 7, 2003 (continued)

A100763 -- Venus Lillybridge v. American Trans Air.

The judgment is affirmed. Kay, P.J. We Concur: Reardon, J., Sepulveda, J. (Not for Publication.)

Friday, August 8, 2003

Division One

A101377 -- In re Jasmine C., et al. Persons Coming Under the Juvenile Court Law. Social Services Agency v. Bridget A.

By the Court: The request for judicial notice and motion to take additional evidence, filed July 18, 2003, is granted. The motion to dismiss the appeal as moot, filed July 28, 2003, is granted and the appeal is dismissed. Marchiano, P.J.

A099014 -- Brandon G., a Minor, etc., et al. v. Patricia Gray.

The judgment is modified to reduce the award of damages to plaintiffs to \$32,000. As so modified, the judgment is affirmed. Plaintiffs are awarded their costs in responding to the appeal. Gray is awarded her costs in responding to plaintiffs' appeal. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Certified for Publication.)

A098377 -- In re the Estate of June D. Schnacke, Deceased. William Locke-Paddon v. Maria Borina.

By the Court: Appellant's "Motion for New Trial," filed July 24, 2003, is deemed a petition for rehearing and, as such, the petition for rehearing is denied. Marchiano, P.J.

Division Two

A098261/A100357 -- In re Diamond A., et al., Persons Coming Under the Juvenile Court Law. San Francisco Department of Human Services v. Maurice A.

The orders are affirmed. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

A098979 -- In re Kristopher E., a Person Coming Under the Juvenile Court Law. The People v. Kristopher E.

The order is affirmed. Ruvolo, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Friday, August 8, 2003 (continued)

Division Four

A101969 -- The People v. Daniel Aitkens.

The judgment is affirmed. Kay, P.J. We Concur: Sepulveda, J., Rivera, J.
(Not for Publication.)

A099735 -- Alvin Velacruz v. City and County of San Francisco et al.

The judgment is affirmed. Rivera, J. We Concur: Kay, P.J., Reardon, J.
(Not for Publication.)

Division Five

A100626 -- In re the Marriage of Deborah and Robert Eckstein.

We reverse the order directing Emily's residence to remain in the Bay Area. We remand with directions to determine whether, in light of Mother's presumptive right to move and the strong policy of maintaining ongoing custody arrangements (§ 7501; *Burgess, supra*, 13 Cal.4th at pp. 32-33), Father has made the requisite showing that a change of custody is essential for Emily's welfare. In so doing, the trial court may consider additional circumstances bearing on Emily's best interest that may have developed since the date of the order appealed from. (*In re Marriage of Biallas* (1998) 65 Cal.App.4th 755, 764.) Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

A100172 -- Evan L. Olson et al. v. Six Rivers National Bank.

The judgment is affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J.
(Certified for Partial Publication.)

A101080 -- The People v. Melvin L. Parham.

The sentence is vacated. The matter is remanded to the trial court to resentence appellant in accordance with this opinion. Stevens, Acting P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

Friday, August 8, 2003 (continued)

A100970 -- In re Justin R. et al., Persons Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Raymond R.

The matter is remanded to the juvenile court, with instructions to provide proper notice as required by the ICWA. Stevens, Acting P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

Monday, August 11, 2003

Division One

A099112 -- Minoo Shayesteh et al. v. Iraj Shayesteh, as Special Administrator, etc., et al.

The Court:* On May 30, 2003, we asked the parties to submit letter briefs on the issue of whether this appeal is moot in light of our nonpublished opinion in *Noushfar v. Shayesteh* (May 16, 2003, A099106). The Supreme Court has since denied review of the nonpublished opinion in A099106, and the remittitur has issued. In his letter brief of June 16, 2003, counsel for Noushfar appears to concede that the present appeal, A099112, would become moot upon the denial of Supreme Court review in A099106. In any case, we independently conclude that in light of the finality of A099106, and other developments familiar to the parties, the present appeal is now moot. (See *Lester v. Lennane* (2000) 84 Cal.App.4th 536, 566.) Accordingly the present appeal is hereby dismissed as moot. (Not for Publication.)

*Before Marchiano, P.J., Stein, J. and Swager, J.

Division Three

A100247 -- In re Joey F., a Person Coming Under the Juvenile Court Law. The People v. Joey F.

We see no arguable issues for review, pursuant to *People v. Wende, supra*, 25 Cal.3d 436. The jurisdictional order of July 31, 2002, and the dispositional order of August 21, 2002, are affirmed. McGuiness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

A099296 -- The People v. Ronald Glenn Bowie.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

Tuesday, August 12, 2003

Division One

A100401 -- Estate of Eleanor Folger, Deceased.

The order appealed from is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A100587 -- Jill Suzanne Goodenough v. Steve Gourley, as Director, etc.

The order denying the petition for writ of mandate is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

A101644 -- In re Gerald T., a Person Coming Under the Juvenile Court Law. The People v. Gerald T.

The judgment is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

Division Three

A098281 -- The People v. Agustin Martinez Bustamante.

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

A093424 -- Ray Kinsman, et al. v. Unocal Corporation.

A093649 -- Ray Kinsman, et al. v. Unocal Corporation.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

Tuesday, August 12, 2003 (continued)

Division Four

A098522 -- The People v. Bobby Nath.

The judgment is affirmed. Reardon, J. We Concur: Kay, P.J., Rivera, J.
(Not for Publication.)

A100509 -- United Farmers Agents Association v. Farmers Insurance Exchange et al.

We conclude that the trial court erred, as a matter of law, in ruling there was no actual controversy between UFAA and Farmers, *regardless* of whether or not UFAA satisfies the criteria for asserting associational standing. “On a pure question of law, trial courts have no discretion. They must, without choice, apply the law correctly.” (*Ludgate Ins. Co. v. Lockhood Martin Corp.* (2000) 82 Cal.App.4th 592, 603.) Put another way, to the extent that a trial court’s disposition of a declaratory action is discretionary, dismissal based explicitly and entirely on an erroneous legal conclusion constitutes an abuse of that discretion. The judgment of dismissal is reversed, and the matter remanded to the trial court for further proceedings consistent with this opinion. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

Wednesday, August 13, 2003

Division Three

A091576 -- The People v. Ted Vu Nguyen, et al.

The judgments are reversed. Parrilli, J. I Concur: McGuiness, P.J. (See concurring opinion by Corrigan, J.) (Certified for Publication.)

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, August 13, 2003

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuinness P.J., Corrigan J., Parrilli J., and C. Turner, Deputy Clerk.

A092987 The People,
 v.
 George Thruman McLaughlin,
 Cause called and argued by Marylou Elin Hillberg, counsel for
 appellant, and Sharon Wooden, counsel for respondent. Cause
 ordered submitted.

A097247 The People,
 v.
 Bruce Edward North,
 Cause called and argued by William Richard Such, counsel for
 respondent. and Nanette Winaker, counsel for respondent. Cause
 ordered submitted.

Justice Corrigan, left the bench and Justice Pollak took his place on the bench.

A098521 The People,
 v.
 Steven John Babich,
 Cause called and argued by Steven Samuel Lubliner, counsel for
 appellant, and Allan Yannow, counsel for respondent. Cause
 ordered submitted.

A098484 USS-Posco Industries,
 v.
 Ezell Edwards,
 Cause called and argued by Howard Moore, counsel for appellant,
 and Cory Stephen Anderson, counsel for respondent. Cause ordered
 submitted.

court adjourned

Wednesday, August 13, 2003 (continued)

Division Four

A101455 -- The People v. Joseph Chesney Dewar.

The judgment is affirmed. Rivera, J. We Concur: Kay, P.J., Reardon, J.
(Not for Publication.)

Division Five

A099964 -- The People v. Tony Ray Swaner.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Stevens, J.
(Not for Publication.)

Thursday, August 14, 2003

Division One

A099577 -- In re Jamal L., a Person Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Ronald L.

Accordingly, the orders are affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Four

A102313 -- The People v. Virginia Jean Worrell.

The judgment is affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

Division Five

A100032 -- In re D.C. et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Children and Family Services v. Rose J.

The order terminating parental rights is affirmed. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication.)

A101128 -- Medical Board of California v. Superior Court for the City and County of San Francisco; Lee Roy Liskey, M.D., R.P.I.

By the Court: Order Modifying Opinion and Certifying Opinion for Publication. 1. Footnote 6 on page 13 of the opinion filed July 25, 2003, is modified to read as follows: (See order.) 2. This opinion is certified for publication pursuant to rules 976(b) and 976.1 of the California Rules of Court. There is no change in the judgment. Jones, P.J. (Certified for Publication.)

Friday, August 15, 2003

Division One

A100336 -- The People v. Robert Ray Burgan.

A103521 -- In re Robert Burgan, on Habeas Corpus.

By the Court:* Pursuant to stipulation of the parties, this opinion is final for all purposes immediately upon filing, and the Clerk of this Court shall immediately issue the remittitur herein. (See *Ng v. Superior Court* (1992) 4 Cal.4th 29, 34, fn. 1; Cal. Rules of Court, rule 26(c)(1).) (Not for Publication.)

*Before Stein, Acting P.J., Swager, J., and Margulies, J.

Division Two

A102994 -- Josette A. v. Contra Costa County Superior Court; Contra Costa County Department of Children and Family Services, R.P.I.

The petition is denied on the merits (Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) Cal.4th 888 [subsequent challenge by appeal barred]; § 366.26, subd. (1)(1), and given the nearness of the September 24 hearing, our decision is final as to this court immediately (rule 24(b)(3)). Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

A098085 -- The People v. John Medley Johnson.

The judgment is reversed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Certified for Publication.)

Division Five

A101932 -- In re Chartate C., a Person Coming Under the Juvenile Court Law. The People v. Chartate C.

The order adjudicating appellant a continued ward of the court and placing her outside the parental home is affirmed. Stevens, Acting P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

Friday, August 15, 2003 (continued)

A100165 -- Terrence Hall v. Jessie Abrams Hall et al.

The judgment is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J.
(Not for Publication.)

Monday, August 18, 2003

Division One

A100364 -- The People v. Natasha Day.

The order imposing the cable television restriction is affirmed. Marchiano, P.J. We Concur: Stein, J., Margulies, J. (Not for Publication.)

A100300 -- In re Hyacinth F. et al., Persons Coming Under the Juvenile Court Law. Contra Costa County Department of Children and Family Services v. Raymond F.

The juvenile court's order terminating appellant's parental rights is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A099756 -- In re Astrid N. et al., Persons Coming Under the Juvenile Court Law. Del Norte County Department of Health and Social Services v. June N.

The order is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A100141 -- The People v. Robin Michael Phillips.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A099365 -- The People v. Frank Villareal.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

Division Three

A098521 -- The People v. Steven John Babich.

The judgment is affirmed. Parrilli, J. We Concur: McGuinness, P.J., Pollak, J. (Not for Publication.)

Monday, August 18, 2003 (continued)

A098484 -- USS-Posco Industries v. Ezell Edwards.

The order denying modification is affirmed. Parrilli, J. We Concur: McGuinness, P.J., Pollak, J. (Certified for Publication.)

Division Five

A098573 -- The People v. Stephen Calansag Noche.

The judgment is modified to award appellant 91, rather than 306, days of custody credit under section 4019. The matter is remanded for reconsideration of sentence on counts four through six, consistent with this opinion. The judgment, as modified, is otherwise affirmed. Stevens, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A097997 -- The People v. David P.

The judgment of conviction is affirmed. Stevens, Acting P.J. We Concur: Simons, J., Gemello, J. (Not for Publication.)

Tuesday, August 19, 2003

Division Two

A098354 -- In re Vitamin Cases. (San Francisco County Judicial Council Coordination Proceedings No. 4076, Master File No. 301803)

By the Court: It is ordered that the opinion filed herein on July 24, 2003, be modified as follows: (See order.) As a consequence of this last modification, respondents' request to modify the portions of the opinion to be published is denied. These modifications do not effect a change in the judgment. Kline, P.J.

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Tuesday, August 19, 2003

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kline, P.J., Haerle, J., Ruvolo, J. and I. Santos, Deputy Clerk.

- A100224 The People,
 v.
 Robert Michael Cereghino.
Cause called and argued by Gene D. Vorobyov, counsel for appellant, and Ann Wathen, Deputy Attorney General, counsel for respondent. Cause ordered submitted.
- A095846 Yvette Munoz et al.,
 v.
 City of Union City et al.
Cause called and argued by George Murphy, counsel for appellants, and Daniel U. Smith, counsel for respondents. Cause ordered submitted.
- A098568 Khai Huynh,
 v.
 Thuan Vu et al.
Cause called and argued by Robert Condie, counsel for appellant, and Daniel Grout, counsel for respondent. Cause ordered submitted.
- A099449 The People,
 v.
 Yong Chang Mai.
Cause called and argued by Susan K. Keiser, counsel for appellant, via teleconference, and Jill Thayer, Deputy Attorney General, counsel for respondent. Cause ordered submitted.

Court recessed until Wednesday, August 20, 2003 @ 9:30 a.m.

Tuesday, August 19, 2003 (continued)

Division Four

A097959 -- Holden H. Lee v. Janet J. Yang.

The judgment is affirmed in its entirety. Reardon, Acting P.J. I Concur: Sepulveda, J. (See concurring and dissenting opinion by Rivera, J.) (Certified for Partial Publication.)

Division Five

A098474 -- The People v. Jay Davies.

The order is affirmed. Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

A098729 -- J.H. McKnight Ranch, Inc. v. Franchise Tax Board.

By the Court: The opinion filed July 22, 2003, is modified as follows: (See order.) Appellant's petition for rehearing filed August 6, 2003, is denied. Appellant's request for depublication filed August 6, 2003, is denied. This modification effects no change in the judgment. Jones, P.J. (Certified for Publication.)

Wednesday, August 20, 2003

Division One

A099266 -- The People v. Louis Eugene Anderson.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A099633 -- Miladen Vukic, et al. v. Schnebly Building & Design, Inc.

By the Court: Since this court's July 22, 2003 opinion does not meet the standard for publication as set forth in rule 976(b) of the California Rules of Court, the request for publication is denied. Pursuant to rule 978(a) of the California Rules of Court, the Clerk is directed to forward to the Clerk of the Supreme Court the request for publication, the opinion, and a copy of this order. Marchiano, P.J.

A100716 -- Carolyn Wright, et al. v. Dexter Corporation.

By the Court: The petition for rehearing is denied. Stein, Acting P.J.

Division Two

A102645 -- In re M.M. and A.M., Persons Coming Under the Juvenile Court Law. Alameda County Social Services Agency v. Wayne M.

The appeal is dismissed. Kline, P.J. We Concur: Haerle, J., Lambden, J. (Not for Publication.)

A098699 -- The People v. Ken Godfred Verduzco.

We affirm. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

MINUTES

CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION TWO

Wednesday, August 20, 2003

The Court met at 9:30 a.m. in its courtroom at 350 McAllister Street, 4th Floor, San Francisco. Present: Haerle, Acting P.J., Lambden, J., Ruvolo, J. and S. Graham, Deputy Clerk.

- A102911 Campaign to Restore Jackson State Redwood Forest, et al.
v.
Superior Court, Mendocino County
California Dept. of Forestry, et al.
Cause called and argued by Paul Carroll, counsel for petitioners and Charles Getz, Deputy Attorney General, counsel for real parties in interest. Submission deferred pending receipt of a final judgment from Superior Court. Pending further order of this court, the stay shall remain in effect.
- A097629 Cheryl Yoshimura Thompson, et al.
v.
Mt. Diablo Unified School District, et al.
Cause called and argued by Kevin Carter, counsel for appellants and Donald Velez, counsel for respondents. Cause ordered submitted.
- A098137 In re Retirement Cases
A101036 Cause called and argued by Brenda B. Carlson and Victoria Halliday,
A101201 counsel for appellants and Stephen Silver, Gregg Adam and Stewart Weinberg, counsel for respondents. Causes ordered submitted.
- A099535 Insurance Commissioner
v.
Golden Eagle Insurance Company
Grand Opus, Inc.
Cause called and argued by David Gauntlett, counsel for appellant and Richard Edwards, counsel for respondent. Cause ordered submitted.

A099441 Service Employees International Union Local 790
v.
BART
Cause called and argued by Daniel Boone, counsel for appellants and
Thomas Lee, counsel for respondents. Cause ordered submitted.

COURT ADJOURNED.

Wednesday, August 20, 2003 (continued)

Division Four

A102852; A102853 -- Inez J. and Samuel J. v. The Superior Court of Alameda County; Alameda County Social Services Agency, R.P.I.

The petition for an extraordinary writ is denied on the merits. (§ 366.26, subd. (1); Cal rules of Court, rule 39.1A(b).) Our decision is final in this court immediately. (Cal. Rules of Court, rule 24(b)(3).) Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Thursday, August 21, 2003

Division One

**A103086 -- Tammy B. v. The Superior Court of Sonoma County;
Sonoma County Human Services Department., R.P.I.**

The challenged orders are supported by substantial evidence. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.) The petition for extraordinary writ is denied on the merits. (See Cal. Const., art. VI, § 14; *Kowis v. Howard* (1992) 3 Cal.4th 888, 894; *Bay Development, Ltd v. Superior Court* (1990) 50 Cal.3d 1012, 1024.) The section 366.26 hearing is set for September 25, 2003. Therefore, our decision is final in this court immediately. Margulies, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A102113 -- The People v. Bradley James Justis.

The judgment of conviction is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A101576 -- The People v. John Clarence Paulson.

The judgment of conviction is affirmed. Stein, Acting P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Division Two

A099722 -- William J. Harnedy v. Mary B. Harnedy Whitty.

By the Court: It is ordered that the opinion filed herein on July 30, 2003 be modified as follows: (See order.) The Application of California Bankers Association for Leave to File Amicus Curiae Petition for Rehearing to Request Modification of Opinion is granted. This modification does not effect a change in the judgment. Kline, P.J. (Certified for Publication.)

A098582 -- The People v. David Milford Herrick.

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Thursday, August 21, 2003 (continued)

A097203 -- The People v. Christopher N. Washington.

The judgment is affirmed. Lambden, J. I Concur: Ruvolo, J. (See dissenting opinion by Kline, P.J.) (Not for Publication.)

MINUTES
COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT

DIVISION FIVE

Thursday, August 21, 2003

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Jones, P.J.; Stevens, J.; Simons, J.; Gemello, J.; and Richard H. Sandvik, Deputy Clerk.

A09859 Karim Ali, Sr. et al.
8 v.
 Ramanbhai Patel et al.
 Admiral Insurance Company
 Cause called and argued by John H. Walsh, counsel for appellants, and by Richard J. Stratton, counsel for respondents. Cause ordered submitted.

A09970 Karim Ali, Sr. et al.
0 v.
 909 Geary Street
 Admiral Insurance Company
 Cause called and argued by John H. Walsh, counsel for appellants, and by Richard J. Stratton, counsel for respondents. Cause ordered submitted.

A09773 The People
3 v.
 Matthew Kenneth Rodriguez
 Cause called and argued by Ozro W. Chiles, counsel for appellant, and by Amy Haddix, counsel for respondent. Cause ordered submitted.

A10107 Suzanne M. Lindelli et al.
6 v.
 Town of San Anselmo et al.
 Cause called and argued by Thomas A. Willis, counsel for appellants, and by Elliot L. Bien, counsel for respondents. Cause ordered submitted.

A10178 In re the Estate of Joseph B. Gagnon
4 Claude Gagnon et al.
v.
Corine Joy Gagnon
Cause called and argued by Richard A. Canatella counsel for appellants, and by
Elizabeth D. Long, counsel for respondent. Cause ordered submitted.

A10081 The People
1 v.
Vertis Lee Williams
Cause called and argued by David S. Saunders, counsel for appellant, and by Nancy
H. Tung, counsel for respondent. Cause ordered submitted.

A10034 The People
0 v.
John Ray Davis
Cause called and argued by Violet E. Grayson, counsel for appellant, and by Gregg
Zywicke, counsel for respondent. Cause ordered submitted.

Court adjourned at 11:15 a.m.

Friday, August 22, 2003

Division One

A101741 -- The People v. Alexander Bryant, Jr.

The judgment is affirmed. Margulies, J. We Concur: Stein, Acting P.J., Swager, J. (Not for Publication.)

A098614 -- Ham Hang Choi v. Sik Kin Chan.

A100667 -- Ham Hang Choi v. Sik Kin Chan.

The judgment and order subject to appeal are affirmed. Costs are awarded to Chan on appeal from the judgment and to Choi on appeal from the order denying costs. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

A101010 -- The People v. Michele Rae Draper.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

A102525 -- Alex Fagan, Jr., et al. v. The Superior court of San Francisco County; The People, R.P.I.

Let a peremptory writ of mandate issue, commanding respondent, County of San Francisco Superior Court in *People v. Alex Fagan, Jr.*, et al., (Nos. 2096549, 188728-01, 188728-03, 2096548, 188728-02) to maintain its interim protective order in effect. The results of petitioners' urinalysis tests, contained in their confidential peace officer personnel files, shall remain sealed absent further proceedings consistent with this decision. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Certified for Publication.)

A099886 -- The People v. Lenard Hall.

The judgment is affirmed. Marchiano, P.J. We Concur: Swager, J., Margulies, J. (Not for Publication.)

Friday, August 22, 2003 (continued)

Division Four

A101469 -- In re Anthony A., a Person Coming Under the Juvenile Court Law. The People v. Anthony A.

The order adjudicating appellant a continued ward of the court and placing him at the California Youth Authority is affirmed. Rivera, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

A101460 -- The People v. Marcus Dieter Felder.

The judgment is affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

A100200 -- Estate of John Linehan, Deceased. Lewis W. Boies, Jr., as Administrator, etc. v. Keyport Life Insurance Company.

The order is affirmed. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

A094861 -- The People v. Marcos Ranjel.

The judgment is affirmed. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

Monday, August 25, 2003

Division One

A100814 -- The People v. Maynard Gaskins, Jr.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

A100837 -- Juan Solorio v. Jose Francisco Bautista et al.

The appeal is dismissed. Respondent is entitled to recover costs on appeal. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A099125 -- The People v. Reynoldo Alfonso.

The judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Lambden, J. (Not for Publication.)

Division Four

A100719 -- The People v. Frankie J. Camper.

The judgment is affirmed. Sepulveda, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication.)

A101802 -- The People v. Derrick Cooper.

The judgment is affirmed. Sepulveda, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

A101368 -- The People v. Donald Ray Titus.

The judgment is affirmed. Sepulveda, J. We Concur: Kay, P.J., Rivera, J. (Not for Publication.)

Tuesday, August 26, 2003

Division One

A101005 -- The People v. Clifford Tamirr Bullock.

The judgment is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

A100758 -- In re Michelle W., a Person Coming Under the Juvenile Court Law. The People v. Michelle W.

The jurisdictional order is affirmed. Stein, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

Division Two

A100549 -- The People v. Reginald Matier.

The appeal is dismissed. Haerle, Acting P.J. We Concur: Lambden, J., Ruvolo, J. (Not for Publication.)

Division Three

A098937 -- The People v. Gus Rei Murray.

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication.)

A100426 -- The People v. Ter're Lynette Thomas.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Tuesday, August 26, 2003 (continued)

Division Four

A101328 -- In re Patrick B., a Person Coming Under the Juvenile Court Law. The People v. Patrick B.

The dispositional order is affirmed. Kay, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

A099547 -- Wen Zhong Li v. Phoebe Chan et al.

The judgment is affirmed. Reardon, J. We Concur: Kay, P.J., Sepulveda, J. (Not for Publication.)

A099619 -- James Miles v. Department of Corrections et al.

The judgment of dismissal is affirmed. Kay, P.J. We Concur: Sepulveda, J., Rivera, J. (Not for Publication.)

MINUTES
CALIFORNIA COURT OF APPEAL
FIRST APPELLATE DISTRICT
DIVISION FOUR

Tuesday, August 26, 2003

The Court convened at 9:30 a.m. in its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California. Present: Kay, P.J., Sepulveda, J. and Swager, J. (of Division One: on assignment); Pamela Aguilar, Deputy Clerk; CHP Officer Joe Fraiser, Bailiff. Each counsel previously waived Justice Reardon's presence.

A097299 Allan C. Vinum et al.
 v.
 Exxonmobil Corporation
Cause called. William Armstrong argued for appellant Exxonmobil. Bryce C. Anderson argued for respondents. Cause submitted.

At this point the Court reconstituted itself for the next cause. The Court for the next cause consists of Kay, P.J. and Sepulveda, J.

A097996 People
 v.
 Vance Larcell Rider
Cause called. William Such argued for appellant Rider. Jill Thayer argued for respondent. Cause submitted.

A100576 Teresa Jazowska Zurek et al.
 v.
 Yellow Cab Cooperative, Inc.
Cause called. Christopher Ashworth argued for appellants Zurek et al. Michael Thomas argued for respondent. Cause submitted.

The court adjourned at 10:46 a.m.

Tuesday, August 26, 2003 (continued)

Division Five

A101297 -- The People v. Theodore Hawn.

The judgment is affirmed. Gemello, J. We Concur: Jones, P.J., Simons, J.
(Not for Publication.)

A097733 -- The People v. Matthew Kenneth Rodriguez.

The judgment is affirmed. The abstract of judgment shall be modified to reflect that the sentence enhancement under section 12022.5, subdivision (a), was imposed as to count I (burglary). Stevens, J. We Concur: Jones, P.J., Gemello, J.
(Not for Publication.)

Wednesday, August 27, 2003

Division One

A100303 -- The People v. Lawrence Peppy Cardoza.

Accordingly, the judgment is affirmed. Swager, J. We Concur: Stein, Acting P.J., Margulies, J. (Not for Publication.)

A100076 -- H. Lee Evans v. Murphy, Pearson, Bradley & Feeney et al.

The judgment is affirmed. Swager, J. We Concur: Marchiano, P.J., Stein, J. (Not for Publication.)

A099809 -- The People v. Darryl Sims.

The judgment is affirmed. Margulies, J. We Concur: Marchiano, P.J., Swager, J. (Not for Publication.)

Division Two

A100802 & A101360 -- Franklin Anderson et al. v. Arden Turner.

The judgment is affirmed. Turner is awarded costs. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

A100486 -- The People v. Andrian Dorado Eduardo.

The Court: Order Modifying Opinion and Denying Rehearing. It is ordered that the opinion filed herein on August 11, 2003, be modified as follows: (See order.) There is no change in the judgment. Appellant's petition for rehearing is denied. Kline, P.J. (Not for Publication.)

A099168 -- The People v. Willie Lee Hardin.

The judgment is affirmed. Kline, P.J. We Concur: Haerle, J., Ruvolo, J. (Not for Publication.)

Wednesday, August 27, 2003 (continued)

Division Three

A098521 -- The People v. Steven John Babich.

By the Court: The petition for rehearing is denied. McGuiness, P.J.

A097684 -- The People v. Alexander Aguilar Cuyugan.

A102736 -- In re Alexander A. Cuyugan on Habeas Corpus.

By the Court: Appellant's petition for rehearing is denied. McGuiness,

P.J.

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, August 27, 2003

Court convened at 9:00 a.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness P.J., Corrigan, J., Pollak J., and C. Turner, Deputy Clerk.

A098403 In re the Marriage of Delaney

Linda Sue Delaney,

v.

Steven J. Delaney,

Cause called and argued by Stephen K. Rose, counsel for appellant, and James Ira Cohen, counsel for respondent. Cause ordered submitted.

A097485 Matthew Akuluze,

A097909 v.

Oakland Unified School District, et al.,

Cause called and argued by Frank S. Moore, counsel for appellant, and Daniel B. Hoyer, counsel for respondent. Cause ordered submitted.

Justice Parrilli took her place on the bench. The panel on the following case comprised of Justice McGuiness, Justice Corrigan and Justice Parrilli.

A098793 Dawn Clements

v.

Oechsle International Advisors, LLC, et al.,

Cause called and argued by Raymond E. Willis, counsel for appellant, and Steven A. Hirsch, counsel for respondent. Cause ordered submitted.

Justice McGuiness left the bench.

A103035 In Re: Sien Lee on Habeas Corpus.

v.

Superior Court of Alameda,

McKenzie, Norman,

Cause called and argued by Sien Lee petitioner in pro-per. Kimberley E. Colwell, counsel for Superior Court of Alameda and Susan Bender, counsel for Norman McKenzie. Cause ordered submitted.

A095937 The People,

v.

Graham Roger-Lee De-Luis-Conti,

Cause called and argued by Jonathan David Soglin, counsel for appellant, and Stan M. Helfman, counsel for respondent. Cause ordered submitted

A099501 The People,
v.
Tai Edmund Fred Abreu,
Cause called and argued by Mark Shena Greenberg, counsel for appellant,
and Jeffrey M. Laurence, counsel for respondent. Cause ordered submitted.

A100181 Christine Pitzen
v.
Veritas Software Corporation, et al.
Cause called and argued by Melinda S. Riechert, counsel for appellant, and
Andrew J. Weil, counsel for respondent. Cause ordered submitted.

A100102 David Furia,
v.
Hugh N. Helm,
Cause called and argued by John J. Mavredakis, counsel for appellant
arguing via-teleconference, and Victor C. Thuesen, counsel for respondent.
Cause ordered submitted.

court recessed until 1:30 p.m.

COURT OF APPEAL
STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

Wednesday, August 27, 2003

Court reconvened at 1:30 p.m. in its Courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California.

Present: McGuiness P.J., Parrilli, J., Pollak, J., and I. Calanoc, Deputy Clerk.

A098995 John Cook,

v.

State Compensation Insurance Fund, et al.

Cause called and argued by Julia Sherwin, counsel for appellant, and Gilmore Frederick, counsel for respondent. Cause ordered submitted.

A100899 Clifford Herbstman,

v.

Manuela Freeman.

Corrigan, J. approached the bench. The panel for this case is now comprised of McGuiness, P.J., Parrilli, J., and Corrigan, J. Cause called and argued by Charles Koss, counsel for appellant, and Maureen Bryan, counsel for respondent. Cause ordered submitted.

A100186 The People,

v.

John Nielsen.

The panel for this case is comprised of Corrigan, J., Parrilli, J., and Pollak, J. Cause called and argued by John Jordan, counsel for appellant, and Nanette Winnaker, counsel for respondent. Cause ordered submitted.

A100332 Gary Maggi,

v.

County of San Mateo.

The panel for this case is comprised of Corrigan, J., Parrilli, J. and Pollak, J. Cause called and argued by Lawrence Bragman, counsel for appellant, and William Smith, counsel for respondent. Cause ordered submitted.

COURT ADJOURNED

Wednesday, August 27, 2003 (continued)

Division Five

A100589 -- James S. Bostwick et al. v. Nikolai Tehin, Jr., et al.

The judgment is affirmed. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication.)

A100788 -- In re the Marriage of Christopher D. Majer and Shelli Ann Hunt.

The appeal is dismissed. Hunt is awarded her costs on appeal. Gemello, J. We Concur: Jones, P.J., Simons, J. (Not for Publication.)

A098371 -- Donald Raley et al. v. Alan L. Cerf et al.

A098373 -- Donald Raley et al. v. Sunset Financial Services, Inc. et al.

The order refusing to compel arbitration is reversed. The trial court is directed to enter a new order compelling arbitration and staying the judicial proceedings while arbitration is conducted. (See Code Civ. Proc., § 1281.4.) Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

Thursday, August 28, 2003

Division One

A100018 -- The People v. Jason Richard Brinar.

The judgment of conviction is affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

A101164 -- The People v. Richard C. Ellison.

The order revoking appellant's probation and the sentence imposed are affirmed. Marchiano, P.J. We Concur: Stein, J., Swager, J. (Not for Publication.)

Division Two

A100449 -- In re Tiffany L., a Person Coming Under the Juvenile Court Law. Contra Costa County, Employment and Human Services Department, Children and Family Services v. Jessie L.

The judgment is affirmed. Lambden, J. We Concur: Kline, P.J., Haerle, J. (Not for Publication.)

Division Three

A100332 -- Gary Maggi v. County of San Mateo.

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication.)

A092987 -- The People v. George Thurman McLaughlin.

A100180 -- In re George Thurman McLaughlin, on Habeas Corpus.

The sentence imposed pursuant to sections 667.61 and 667.5 is reversed, and the matter is remanded for resentencing in accordance with this decision. In all other respects, the judgment is affirmed. The petition for writ of habeas corpus is denied. McGuinness, P.J. We Concur: Corrigan, J., Parrilli, J. (Not for Publication.)

Thursday, August 28, 2003 (continued)

A101372 -- The People v. Dean John Peralta, Jr.

Judgment Affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication.)

A102055 -- The People v. Gary Wayne Robinson.

We find no arguable issues for review, pursuant to *People v. Wende, supra*, 25 Cal.3d 436. The judgment is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

A099352 -- The People v. Vincent P. Terry.

In sum, we find no arguable issues for review pursuant to *People v. Wende, supra*, 25 Cal.3d 436. The judgment is affirmed. McGuiness, P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

A100550 -- The People v. Anthony Charles Whaley.

The judgment is affirmed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Division Four

A098571 -- The People v. Yinpres Ignacio Vega.

The judgment is reversed as to count 5 (receiving stolen property) and the sentence previously stayed for that offense is vacated. The clerk of the court is directed to correct the abstract of judgment accordingly and forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed. In a separate order filed this date in *In re Vega* (A101587) [nonpub. opn.], we denied defendant's petition for writ of habeas corpus. Sepulveda, J. We Concur: Reardon, Acting P.J., Rivera, J. (Not for Publication.)

Thursday, August 28, 2003 (continued)

Division Five

A099935 -- The People v. Robert Burton Franz.

The judgment is affirmed. Gemello, J. We Concur: Jones, P.J., Simons, J.
(Not for Publication.)

A100442 -- In re Stephonn P., a Person Coming Under the Juvenile Court Law. The People v. Stephonn P.

The juvenile court's dispositional order is affirmed. Gemello, J. We Concur: Stevens, Acting P.J., Simons, J. (Not for Publication.)

Friday, August 29, 2003

Division One

A099999 -- The People v. Shannasar Giovanni McNeil.

The judgment is affirmed. Stein, J. We Concur: Marchiano, P.J., Margulies, J. (Not for Publication.)

Division Two

A099449 -- The People v. Yong Chang Mai.

Mai's conviction under section 496, subdivision (a), for receiving stolen property, is reversed. The trial court is directed to vacate the verdict with respect to count two of the amended information, to reconsider the sentence to be imposed on count three, and to prepare and forward to the Department of Corrections and amended abstract of judgment. In all other respects the judgment is affirmed. Haerle, J. We Concur: Kline, P.J., Ruvolo, J. (Not for Publication.)

Division Three

A099501 -- The People v. Tai Edmund Fred Abreu.

The judgment is affirmed. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A097485 & A097909 -- Matthew Akuluze v. Oakland Unified School District. et al.

The judgment is reversed and the matter is remanded. Each side to bear its costs on appeal. Corrigan, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A098793 -- State of California ex rel. Dawn Clements v. Oechsle Internat. Advisors, LLC, et al.

The judgment is affirmed. Clements shall bear costs of the appeal. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Friday, August 29, 2003 (continued)

A098995 -- John Cook v. State Compensation Insurance Fund.

The judgment is affirmed. Costs are awarded to SCIF. Parrilli, J. We Concur: McGuiness, P.J., Pollak, J. (Not for Publication.)

A101395 -- The People v. George Preston Daniels.

The judgment is affirmed. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

A100102 -- David Furia v. Hugh N. Helm III.

The judgment is affirmed. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Certified for Publication.)

Division Three

A098403 -- In re the Marriage of Steven J. Delaney and Linda Sue Delaney.

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Certified for Publication.)

A103035 -- In re Sien Lee, on Habeas Corpus.

The petition for writ of habeas corpus is granted. The matter is remanded to the superior court with directions to set aside the orders of April 21, 2003 and June 20, 2003, holding petitioner in contempt and the June 18, 2003, order of commitment. The parties shall bear their own costs. Corrigan, Acting P.J. We Concur: Parrilli, J., Pollak, J. (Not for Publication.)

A099952 -- The People v. Benny Martinez.

Judgment affirmed. Parrilli, J. We Concur: McGuiness, P.J., Corrigan, J. (Not for Publication.)

Friday, August 29, 2003 (continued)

A100186 -- The People v. John Nielsen.

The judgment is affirmed. Parrilli, J. We Concur: Corrigan, Acting P.J., Pollak, J. (Not for Publication.)

A100181 -- Christine Pitzen v. Veritas Software Corporation.

The order denying Veritas's motion to compel arbitration is affirmed. Pitzen shall recover her costs on appeal. Pollak, J. We Concur: Corrigan, Acting P.J., Parrilli, J. (Not for Publication.)

A101535 -- The People v. Dickie Pratt.

The judgment is affirmed. Pollak, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A100223 -- In re Steven R., a Person Coming Under the Juvenile Court Law. The People v. Steven R.

The orders of the juvenile court are affirmed. Corrigan, J. We Concur: McGuiness, P.J., Parrilli, J. (Not for Publication.)

A099239 -- The People v. Michael Joe Smith.

The judgment is affirmed. McGuiness, P.J. We Concur: Corrigan, J., Pollak, J. (Not for Publication.)

Division Four

A101061 -- In re Ollie B. et al., a Person Coming Under the Juvenile Court Law. Mendocino County Department of Social Services v. Katrina B.

The judgment is affirmed. Rivera, J. We Concur: Kay, P.J., Reardon, J. (Not for Publication.)

A099064 -- Rhona Gilkey et al. v. John E. Hill et al

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Friday, August 29, 2003 (continued)

A101777 -- The People v. James Noffsinger.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

A101305 -- Lamont Turner v. Ocean Hill Apartments, LLC.

The judgment is affirmed. Rivera, J. We Concur: Reardon, Acting P.J., Sepulveda, J. (Not for Publication.)

Division Five

A101883 -- The People v. Alonzo Austin.

The order revoking appellant's probation and imposing his previously stayed prison term is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication.)

A100340 -- The People v. John Ray Davis.

The judgment is affirmed. Simons, J. We Concur: Jones, P.J., Gemello, J. (Not for Publication.)

A101784 -- Estate of Joseph B. Gagnon, Deceased.

The order is affirmed. Jones, P.J. We Concur: Stevens, J., Simons, J. (Not for Publication.)

A102947 -- In re N.G., a Person Coming Under the Juvenile Court Law. Mellody G. v. The Superior Court of the City and County of San Francisco; San Francisco Department of Human Services, R.P.I.

The order to show cause is discharged, and the petition for extraordinary writ review and request for stay are denied on their merits. (Cal. Const., art. VI, § 14; Cal. Rules of Court, rule 39.1B (*o*); *Kowis v. Howard* (1992) 3 Cal.4th 888, 894.) Petitioner is barred in any subsequent appeal from making further challenges to the orders terminating reunification services and setting a hearing under section 366.26 (§ 366.26 subd. (*l*)). Because the section 366.26 hearing is set for September 17, 2003, our decision is final as to this court immediately. (Cal. Rules of Court, rule 24(a).) Jones, P.J. We Concur: Stevens, J., Gemello, J. (Not for Publication.)

Friday, August 29, 2003 (continued)

A100811 -- The People v. Vertis Lee Williams.

The judgment is affirmed. Simons, J. We Concur: Stevens, Acting P.J.,
Gemello, J. (Not for Publication.)